

August 18, 2003
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 12

-- REMARKS --

In the Final Office Action, Examiner Williams rejected pending claims 13, 17, 21, 29, and 32-34 as being anticipated by U.S. Patent No. 5,788,028 to *Bieber*. The Applicants respond to this rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

As to the anticipation rejection, the Applicants have thoroughly considered Examiner Williams's remarks concerning the patentability of independent claims 13, 17, 21 and 29 over *Bieber*. The Applicants respectfully traverse this anticipation rejection of independent claims 13, 17, 21 and 29, because *Bieber* fails to disclose, teach or suggest:

1. "determining a first temperature compensation factor in the form of a scale factor as a function of an operating temperature of the damper and a relative velocity of the damper" and "determining a second temperature compensation factor in a form of an offset value as a function of the operating temperature of the damper and the relative velocity of the damper" in as complete detail as is contained in amended independent claim 13;
2. "a second module operable to determine a first temperature compensation factor in a form of a scale factor as a function of an operating temperature of the damper and a relative velocity of the damper and to determine a second temperature compensation factor in a form of an offset value as a function of the operating temperature of the damper and the relative velocity of the damper, said second module is further operable to provide a second operating current to the damper in response to a determination of the scale factor and the offset value" in as complete detail as is contained in amended independent claim 17;

August 18, 2003
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 13

3. "wherein said controller is operable to determine a first temperature compensation factor in a form of a scale factor as a function of an operating temperature of the damper and a relative velocity of the damper and to determine a second temperature compensation factor in a form of an offset value as a function of the operating temperature of the damper and the relative velocity of the damper" in as complete detail as is contained in amended independent claim 21; and

4. "a third module operable to determine a scale factor of the set of scale factors and an offset value of the set of offset values as a function of a relative velocity of said damper, the scale factor being a first temperature compensation factor and the offset value being a second temperature compensation factor" in as complete detail as is contained in amended independent claim 29.

The Applicants respectfully request a withdrawal of the rejection of independent claims 13, 17, 21 and 29 under 35 U.S.C. §102(b) as being anticipated by *Bieber*.

Claims 32-34 depend from independent claim 29. Therefore, dependent claims 32-34 include all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 32-34 are allowable over *Bieber* for at least the same reason as set forth herein with respect to independent claim 29 being allowable over *Bieber*. Withdrawal of the rejection of dependent claims 32-34 under 35 U.S.C. §102(b) being anticipated by *Bieber* is therefore respectfully requested.

August 18, 2003
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 14

SUMMARY

Examiner Williams' anticipation rejection of claims 13, 17, 21 29, and 32-34 has been obviated by the amendment herein of claims 13, 17, 21, 29 and 32-34. The Applicants respectfully submit that claims 12-34 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and early passage to issue of the present application are respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Williams is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

OFFICIALDated: August 18, 2003

Vardarajan R. Iyengar



CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Darrin Wesley Harris
Registration No. 40,636
Attorney for Applicants

FAX RECEIVEDAUG 19 2003⁵**GROUP 3600**